



"Making a Difference"

**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**PLANNING COMMISSION**

<b>MEETING DATE</b> June 22, 2006	<b>CONTACT/PHONE</b> Ted Bench 805-781-5701	<b>APPLICANT</b> County of San Luis Obispo	<b>FILE NO.</b> LRP2005-00009: A, B, C & D
<b>SUBJECT</b> Hearing to consider a request by the <b>COUNTY OF SAN LUIS OBISPO</b> to amend Sections 22.30.440 and 22.22.080 of the Land Use Ordinance (Title 22) of the County Code and amend Sections 23.08.164(f&g) and 23.04.028(d) of the Coastal Zone Land Use Ordinance (Title 23) of the County Code to: 1) modify the County's standards for mobile home park closure, subdivision and conversion to other uses; and 2) modify the County's standards to convert existing residential development into a condominium, planned development or similar residential unit ownership. This ordinance amendment affects all planning areas and land use categories of the county that are outside of the jurisdictions of the incorporated cities.			
<b>RECOMMENDED ACTION</b> Adopt the resolution recommending to the Board of Supervisors: <ol style="list-style-type: none"><li>1. Adoption of the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.</li><li>2. Approval of Land Use Ordinance and Coastal Zone Land Use Ordinance amendment LRP2005-00009 as shown in Exhibits LRP2005-00009:A, B, C, and D based on the recommended findings listed in this report.</li></ol>			
<b>ENVIRONMENTAL DETERMINATION</b> The Environmental Coordinator, after completion of the initial study, finds there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on April 27, 2006 for this project.			
<b>LAND USE CATEGORY</b> Various	<b>COMBINING DESIGNATION</b> N/A	<b>ASSESSOR PARCEL NUMBER</b> N/A	<b>SUPERVISOR DISTRICT(S)</b> <div style="text-align: center;">① ② ③ ④ ⑤ <b>All</b></div>
<b>PLANNING AREA STANDARDS:</b> N/A			
<b>EXISTING USES:</b> N/A			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> N/A			
<b>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:</b> The project was referred to: All Advisory Groups			
<b>TOPOGRAPHY:</b> N/A		<b>VEGETATION:</b> N/A	
<b>PROPOSED SERVICES:</b> Water supply: N/A Sewage Disposal: N/A Fire Protection: N/A		<b>ACCEPTANCE DATE:</b> N/A	
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

## **PROJECT BRIEF**

As described in the Tribune edition of March 24, 2006, the median sales price of single-family homes in the County exceeded \$600,000 in February, 2006. Less than 10% of the County's households can afford to buy housing at this price. In response to the affordable housing shortage the County revised its Housing Element with 15 programs that encourage the production and protection of the County's affordable housing stock. Two of the programs call for the County consider new housing ordinances which help to retain existing affordable housing units. The two ordinances are:

1. Condominium Conversion Ordinance
2. Mobilehome Park Conversion Ordinance

The draft ordinances are attached for your review. The discussion below describes the key components of these ordinances. This report also informs the reader on the subject matter and describes the related activities in other jurisdictions.

In preparation for this report, staff reviewed the ordinances of other jurisdictions throughout California. There are numerous examples of affordable housing ordinances from the state's coastal and winery regions, which have all experienced a rapid rise in land costs and a shortage of affordable housing. The Planning and Building Department has issued five Concept Papers that address several of the Housing Element programs, and are posted on the Planning Department's website at [www.sloplanning.org](http://www.sloplanning.org). Staff conducted several public meetings on the proposed housing ordinances, including a series of public workshops during October, 2005, a Planning Commission study session on April 27, 2006, and group meetings with property owners and affected residents during Spring, 2006.

## **LEGISLATIVE HISTORY**

This ordinance amendment was authorized through the adoption of the Housing Element (as amended on July 20, 2004) of the County of San Luis Obispo's General Plan.

## **AUTHORITY**

### **Land Use Ordinance Amendment**

The Land Use Element sets forth the authority by which the Land Use Ordinance can be amended. The guidelines that your Commission and the Board of Supervisors should use when considering ordinance amendments are provided in Part I - Framework For Planning, Chapter 6.A - Guidelines for Amendments to Land Use Ordinance.

The proposed affordable housing ordinance amendments are consistent with these guidelines. The proposed amendments that are attached to this report would: (1) retain existing and approved residential land uses and development; (2) require improvements where necessary to bring existing development into conformance with current ordinances and standards; and (3) provide for an orderly conversion of existing land uses into new, County approved uses and development.

**COMMUNITY ADVISORY GROUP COMMENTS:** The Department received no comments from Community Advisory Groups on the proposed amendments.

## **STAFF COMMENTS**

The attached exhibits show proposed deletions with ~~strickout~~ and proposed additions with redline. The four exhibits are arranged as follows:

- LRP2005-00009:A - Condominium Conversion Ordinance (LUO)

- LRP2005-00009:B - Condominium Conversion Ordinance (CZLUO)
- LRP2005-00009:C - Mobilehome Park Conversion Ordinance (LUO)
- LRP2005-00009:D - Mobilehome Park Conversion Ordinance (CZLUO)

## **Condominium Conversion Ordinance**

**Issues:** Changes in the real estate market could encourage an increase in proposals to convert apartments into condominiums. High construction costs and the insurance liability with new construction make it easier to convert and sell existing housing. Safeguards are needed to discourage a rapid loss of rental units, insure that apartment buildings being converted will meet County safety codes and community design standards, that unit buyers are informed of the condition of the property, tenants are prepared for displacement, and that decision makers are aware of the impact to the County's affordable housing stock.

**Ordinance Components:** The ordinance components that appear below are described in the Concept Paper issued in October, 2005, and are in the draft ordinance submitted to you under separate cover.

- Conditional Use Permit. Require a CUP for the conversion of rental units.
- Impact Report. Provide a description of the displaced households (size, age and income), unit rent history, and availability of similar priced units in the community where the project is located.
- Property Condition Report (prepared by a civil engineer). Describe property conditions, deficiency in meeting codes, repair and maintenance cost estimates, and an estimate of HOA fees.
- Project Upgrades. Require each unit to have separate utility meters, for the project to be in substantial compliance with fire and building codes, and in conformance with community planning standards. Provide the Homeowners' Association with a one-year reserve of maintenance funds.
- Tenant Information Package. Provide tenants with adequate notices, 180 day rent termination period after subdivision map approval, protection from unjust evictions or rental rate increases, and an option to buy the unit at market price.
- Relocation Assistance. Provide each displaced household with a dollar amount equaling two month's rent of their unit, to assist with moving costs.
- Threshold Requirements. Limit the rate of conversions to a number equaling 50% of the new rental units built in the prior year. The newly converted units do not need to be located in the same community as the new rental units.

**Anticipated Effects:** The proposed condominium conversion ordinance would achieve several desired effects: (1) prevent a rapid loss of rental housing stock; (2) provide an impact report to inform decision makers of who will be displaced and number of remaining rental units that are available; (3) inform the County and potential buyers of the condition of the property and anticipated maintenance needs; (4) establish initial funding for the Homeowners' Association; (5) insure that the project substantially conforms to health and safety codes, and complies with current community design standards; (6) protect tenants from unjust eviction and provide relocation assistance.

**April 27, 2006 Study Session:** Your Commission asked about the current volume of condominium conversion applications that local cities and the County are processing. The activity level is a reflection of what is occurring across California. Different jurisdictions will suddenly receive a rush of applications. This happened in Santa Barbara, San Diego, and now Atascadero. The general reasons are: rising land costs, a stagnant rental rates, and the high costs of construction insurance for new condominiums.

**Pismo Beach** - No condo conversions or new apartment construction for several years.

**Morro Bay** - No conversions, and there have been 12 rental units built since 2003. There are 14 "single room occupancy" (SRO) units being built.

**Paso Robles** - In May, 2006 the City approved a 12 unit project, its first condominium conversion in over ten years. New apartment construction has occurred in the following quantities:

<u>Year</u>	<u>Total units built</u>
2002	16
2003	0
2004	11
2005	38

Paso Robles currently has 148 new apartment units under construction

**City of San Luis Obispo** - This City restricts the number of units converted to half the number of rental units built in the preceding year. In 2004, over 260 apartments were built next to Froom Ranch and Costco. This allowed a possible conversion of 130 existing units. In 2005 three applications were submitted to convert over 265 units. Two applications were approved, and an additional 34 units were deeded over to the Housing Authority as low income units. In 2005 there were 40 apartment units built and an application to convert nearly 20 unit has been submitted. In 2006 no new units have been built.

**County of San Luis Obispo** - Less than 20 units have been converted in the past three years. Two apartment projects were built. In 2004, a 120 unit (affordable) project in Nipomo, and in 2005, a 14 unit apartment project in Avila Beach were built.

**Atascadero** - Applications to convert over 150 units have been submitted. The City has adopted a moratorium on condominium conversions and hired a law firm to prepare a condominium conversion ordinance. The City will process the requests for 50 units now and keep the remaining 100 units on hold. The City has also approved permits for 125 new apartment units, most of which are located in two large projects.

**Summary** - The attached draft ordinance has components similar to those of several cities and counties. Many jurisdictions prevent a sudden loss of rental units by prohibiting condominium conversions when the vacancy rate is below 5%. But last year neither the County nor its cites, except Atascadero, had a vacancy rate above 5%. San Luis Obispo City restricts the number of conversions to half the number of rental units built in the prior year. An annual limit is desirable. Yet when a large apartment project is built the allowable number of converted units should not be concentrated in one planning area. County staff has revised its earlier versions of the draft ordinance as follows:

- The number of units that may be converted in any given year is limited to no more than 50% of the number of rental units built the prior year. The newly converted units do not need to be located in the same community as the new rental units.

## **Mobilehome Park Conversion Ordinance**

**Issues:** When a mobilehome park is converted to another use, state laws allow local jurisdictions to require the developer to pay all reasonable relocation costs to help the displaced residents to move to another mobilehome park. Yet there are few mobilehome parks in San Luis Obispo with available vacant spaces, and the park owners may be unwilling to accept some of the transferred mobilehomes.

Park owners have a vested property right, and so do the residents who own their mobilehomes and rent the spaces in the park. Park owners wish to protect their ability to convert the park to other uses. Park residents may favor strict ordinances such as what Santa Barbara County has adopted (e.g., mobilehome park subdivisions are prohibited). Many jurisdictions have ordinances that describe the relocation costs that the developer shall pay, and that also require the developer to buy the mobilehome at a fair market price if another mobilehome park space cannot be found.

**Ordinance Components:** The ordinance components that appear below are described in the Concept Paper issued in October, 2005, and are in the draft ordinance submitted to you under separate cover.

- Conditional Use Permit. Require a CUP for the conversion of a mobilehome park.
- Impact Report. Per state law, describe the impact to displaced residents, adequate housing available in mobilehome parks elsewhere, and relocation costs. County may also require a description of the displaced households (size, age and income).
- Notices and copy of the impact report shall be provided to the residents.
- Relocation or Sale. Pursuant to state laws require reasonable relocation costs to be paid, and specify what costs shall be covered. If no mobilehome parks have available space or will not accept the displaced mobilehome then the County should, as in other jurisdictions, require the developer to buy the mobilehome at its appraised "in-place" value. The County could also allow the unit to be moved to a parcel outside of a mobilehome park if the new location is acceptable to the unit owner and in conformance with county codes, when the full relocation costs are paid for by the developer.
- Relocation Plan. Describe the new locations and relocation costs, plus a time-table.
- Subdivision of mobilehome parks. State law preempts a local jurisdiction's authority regarding mobilehome park subdivision (to a condominium or resident owned park). Local agencies are prohibited from adding subdivision requirements such as payment of relocation costs or unit purchase at "in-place" value. Subdivisions would create a hardship for a majority of park residents as they may be unable to buy their spaces in today's high priced real estate market. Staff recommends using the option chosen by Santa Barbara County, which is to prohibit mobilehome park subdivisions.

**Anticipated Effects:** The proposed mobilehome park conversion ordinance would achieve several desired effects: (1) provide an impact report to inform decision makers of who will be displaced, the availability of other mobilehome park spaces, and the relocation costs; (2) require payment of all reasonable relocation costs of moving the unit to another mobilehome park or other location acceptable to unit owner; (3) require a relocation plan for units that will be moved; (4) provide an alternative means of compensating displaced residents when no mobilehome park spaces are available by requiring the developer to purchase the unit at "in-place" value; (5) prohibit mobilehome park subdivisions.

**April 27, 2006 Study Session:** Your Commission asked for more information on several topics, as follows:

**How much does it cost to relocate a mobilehome?** The following information was provided by a mobilehome moving company that is active in the central coast and central valley areas:

- A flat fee is charged to move the mobilehome anywhere in the county (to a clean pad)
  - Double-wide unit costs \$9,500 + \$1,500 for skirting
  - Triple-wide unit costs \$17,000 (skirting is extra)
- Cost includes break-down, transport & set-up, hook-up, and gov't inspection clearance

- Cost includes moving all attachments, carports, awnings, etc.
- Extra cost to remove unwanted mobilehome completely (may sell as farm labor unit)
  - Single-wide unit - \$1,500
  - Double & triple-wide unit - \$3,500

***What are the permit requirements to move a mobilehome to a mobilehome park or a private lot?***

Placing a unit in a mobilehome park has the following permit requirements (for any mobilehome):

- Caltrans "wide-cargo" permit: \$16 per section of mobilehome
- HCD inspection: \$237.00 for tie-down + \$196 for permanent foundation setting  
(These state fees are the same for both pre-1976 and newer units)

Placing a mobilehome on private property requires a mobilehome permit from the County:

- Mobilehome permit: Approx. \$7,500
- Minor Use Permit for pre-1976 unit: \$1,915

***How is "in-place" appraisal done?*** Professional appraisers with mobilehome training provide value estimates for mobilehomes sold in mobilehome parks. Staff received information that allowed comparisons for an actual mobilehome that is located in a desirable mobilehome park in Morro Bay. This 1999 double wide mobilehome (44 feet long) was bought new for \$44,724.92, and moved to its present location. Its current "blue book" value, or replacement value, is \$26,680, pursuant to the current Manufactured Housing Appraisal Guide of the National Automobile Dealers Association. Its "in-place" value is \$175,000, pursuant to an appraisal report dated May 16, 2006 by locally based, state certified appraiser.

Staff also received the active real estate listings for all the units in mobilehome parks throughout the County. The information below is for the 149 units that were sold during the reporting period.

North County:	Reporting Period - May 20, 2005 to May 26, 2006	
	Total Units Sold: 57	(this includes 14 pre-1976 units)
	Average sales price: \$95,924	
	Lowest price: \$18,900	
	Highest price: \$197,000	
South County:	Reporting Period - Nov. 20, 2005 to May 26, 2006	
	Total Units Sold: 27	(this includes 12 pre-1976 units)
	Average sales price: \$151,689	
	Lowest price: \$41,000	
	Highest price: \$375,000	
SLO & Coastal:	Reporting Period - Nov. 20, 2005 to May 26, 2006	
	Total Units Sold: 45	(this includes 19 pre-1976 units)
	Average sales price: \$147,630	
	Lowest price: \$8,000	
	Highest price: \$355,000	

Buyers must pay the mobilehome park space rental rate for their units, in addition to the mortgage costs.

***NOTE !*** The correct term to use is "manufactured home" instead of "mobile home," pursuant to the Federal Manufactured Home Construction and Safety Standards Act of June 15, 1976. Since 1976 no

mobile homes have been built in the United States. Throughout California the local jurisdictions continue to use the term "mobilehome park ordinance" in their codes, and County staff does not suggest any changes to the names or terms in the County ordinance at this time.

***How many pre-1976 mobilehomes are there in the mobilehome parks?*** Based on the sales figures above, approximately 30% of the units sold in mobilehome parks in the past year were pre-1976 mobilehomes. This is a general reflection of the number of older units in mobilehome parks.

***Who lives in mobilehome parks - who is affected? How many residents are senior citizens or working class households? How many are on fixed incomes or are wealthy? How many rent or own their units? How many are permanent residents or use their units as vacation homes?*** There is no ready source for this information, and the best way to obtain such data may be to survey the mobilehome parks. Residents in some parks have offered the following information:

Sea Oaks Mobilehome Park in Los Osos: This 125 space park is a senior park (age limit of 55 and older). The majority of residents are lower and very low income. Nearly all residents are permanent residents and own their units. There are many elder residents (80 years and older), including widows and widowers. The residents take pride in their independent living style, and say that they would be unable to relocate.

Mesa Dunes Mobilehome Park in Nipomo Mesa: This 304 space park is a family park, yet 50% or more of the residents are seniors on fixed income. There are 278 residential units and 26 vacation homes. More information will be available at the June 22, 2006 hearing.

Residents advise that mobilehome parks are occupied by many people who cannot afford to pay for more expensive types of housing. Park space rental rates range from approximately \$200 to \$900 per month. Seniors on fixed incomes may be able to pay only a low space rental rate. The monthly mortgage payments for \$100,000 is currently \$960.46 (for a fixed thirty year loan at 6.625%). This makes a small, used mobilehome attractive to a lower or moderate income buyer. New residents may be unable to obtain rent control benefits if the mobilehome park owner refuses to provide a month-to-month rental agreement or short term lease.

***How many mobilehome parks are at risk?*** In 1990 the County funded a study entitled "An Inventory and List of Mobile Home Paks Which Are Vulnerable to Conversion." The study was prepared by the People's Self-Help Housing Corporation. The study documented 44 mobilehome and trailer parks at that time, and found that 13 were at risk. Today there are 36 mobilehome parks registered with the state Department of Housing and Community Development, of which 11 were listed in the 1990 report as being "at risk." Three of the parks that have closed in the last 15 years include the Port San Luis Trailer Park in Avila Beach, the Beach Front Properties mobilehome park in Avila Beach, and the Rod & Reel Trailer Park in Cambria. The study found parks to be at risk for different reasons, such as improper zoning (a park that is located in a residential multi-family or commercial zone), poor park maintenance, and park owners who are buying on-site mobilehomes that become available for sale.

***Are there examples elsewhere of a successful conversion of mobilehome parks to new uses?*** Staff did not find any examples of a conversion of a fully occupied mobilehome park. Elsewhere, mobilehome parks have been converted incrementally. A developer will purchase a mobilehome park, then over time he buys the mobilehomes and rents or removes the units. When there are few or no remaining owner occupied units left the developer then applies to convert the property to a new use. This happened in Cambria when the Rod and Reel mobilehome park was closed in 2005. The park

held 17 occupied mobilehomes as recently as 2003. The mobilehome park owner bought the units over time and rented them on a monthly basis. In 2005 he bought the three remaining owner occupied units then vacated the property. A county approved Conditional Use Permit authorizing closure of this mobilehome park has been appealed by the Coastal Commission. The Commission will review issues such as whether the CZLUO requirement regarding a 1:1 replacement of affordable housing units is applicable.

In Santa Clara a developer bought a 300 space mobilehome park and began a three phase conversion to build a mixed use retail/housing project. Generally, mobilehome units were bought as they came up for sale and then the spaces were vacated. Some mobilehome owners moved their units out of the park. When the City approved each development phase the affected portion of the mobilehome park was vacant. In 1985 the park had 300 spaces, in 1990 there were 280 spaces and in 2000 there were no spaces when the final phase was approved. The City initially made no requirements for relocation or replacement, but then added an "after the fact" compensation requirement for the final phase when several former residents complained. None of the former mobilehome park residents live in the on-site housing units since they cannot afford the \$1800 to \$2400 per month rental rates. Santa Clara has an expensive real estate market and no more mobilehome parks.

***Are there examples elsewhere of a subdivision of a mobilehome park to a resident owned park?***

In San Luis Obispo County two mobilehome parks were subdivided in the early 1990's, the San Luis Bay Estates and the Rancho Paso mobilehome parks. The residents of San Luis Bay Estates initiated the subdivision, and statel funding was available to help lower income residents buy their spaces. The subdivision of the Rancho Paso mobilehome park was initiated by the park owner. The permit process was contentious. Many residents opposed the subdivision and forced the project to establish separate homeowners' associations. The County required the Rancho Paso subdivision to provide a rental assistance program for lower income residents who could not buy their spaces.

In both mobilehome parks, the majority of the residents were of higher income and bought their own spaces. In the 145 space Rancho Paso subdivision, only nine residents could not buy their spaces. Today, land values in the County are considerably higher and a newly subdivided mobilehome park may command a higher sales price for its spaces. It is unknown how many residents could afford to buy their own spaces, or what financial assistance may be available to them. Also, condominium mobilehome parks are exempt from the County's Mobilehome Rent Stabilization Ordinance, so rent restrictions would not apply to the new subdivision.

***Summary of results from meetings between staff and interested parties.*** Following the April 27, 2006 study session with your Planning Commission, staff held separate meetings with the mobilehome park owners and residents. Although there were no joint meeting among all interested parties, staff remains available to coordinate and mediate such a meeting(s).

- Meeting with mobilehome park owners. Park owners state that paying the "in-place" value of displaced units is too costly, and would prevent park owners from getting out of the mobilehome park business. They suggest using the insurance replacement value (NADA "blue book" value). The "in-place" value option should be reserved for low and very low income unit owners only. Relocation benefits should not be provided to vacation home owners, but only to permanent park residents who own their mobilehomes. The City of Morro Bay has an acceptable definition of "permanent resident" in its mobilehome park rent stabilization ordinance. Since the intent of the proposed ordinance is to protect affordable housing there could be a 1:1 replacement of low, very low and moderate income units through the provision of affordable off-site mobilehome spaces or apartment units. Or converted parks could be required to replace 20%



of the lost units. Inclusionary housing ordinances of other jurisdictions require that projects to set aside up to 20% of their new or converted housing units as affordable units. Finally, the state law preempts local authority with regards to mobilehome park subdivisions (Government Code Section 66427.5).

- Meeting with mobilehome park residents. Park residents accept the concept of restricting the relocation benefits only to permanent residents, and using the Morro Bay City definition of permanent residents. Park residents oppose the concept of providing higher income residents with fewer relocation options - they suggest that all residents should be compensated for their equity investment lost and the loss of their residences. Park residents state that their parks have a high percentage of elderly residents on fixed incomes who can't move easily. The appraiser who performs the "in-place" value assessment should be independent, and not hired by the mobilehome park owner.

***Staff response to specific issues.***

- Definition of permanent resident. Pursuant to the meetings with the affected parties, the draft ordinance has been revised to include a definition for "permanent resident," based on similar language from the ordinances of the City of Morro Bay. Relocation benefits will be available to permanent residents who own their mobilehome units, but not to unit owners who are seasonal or vacation residents.
- Relocation options based on residents' income levels. It may be necessary to strike a balance between the public benefit that comes from retention of the existing affordable housing units used by low and moderate income households and the project costs that would be incurred by mobilehome park owners who wish to convert their property to a different use. Staff has revised the draft ordinance so that all relocation options would be available to unit owners whose households are in the very low, low, moderate and work force income levels. Unit owners whose households are above the work force income level would not have the option of selling their unit at "in-place" value, but would have the option of receiving compensation for relocation costs. Staff will bring to your Commission in the near future a proposed ordinance amendment that would include the definition of workforce housing as being an income level of 120% to 160% above the County's median family income.

Using the earlier example of a 1999 double wide mobilehome in a Morro Bay mobilehome park, the appraised "in-place" value is \$175,000. The relocation cost is approximately \$11,500. The replacement cost (if no vacant spaces are available) is \$26,680.

- Discouraging Incremental conversion. Generally mobilehome parks are lost through incremental conversion. A mobilehome park owner may buy up the units over time and then vacate the property. To discourage incremental loss, the draft ordinance includes a provision that requires the park owner to submit conversion permit whenever a mobilehome park reaches a vacancy rate of 20% or higher. The County would then be able to ensure relocation assistance for a majority of the park residents and an orderly conversion of the mobilehome park. This provision would discourage any practice of leaving large portions of a mobilehome park in vacant condition. But a developer or park owner would still be able to buy up units over time and rent them until he owns a majority of the units and then terminate the rents and vacate the mobilehome park.
- State subdivision law and local options. Government Code 66427.5 preempts much of the local

jurisdiction's authority over condominium conversion of an existing mobilehome park. Section 66427.5(a), (e) and (f) may be summarized as follows:

When a subdivision map is submitted existing residents may buy their space or have a long term rental agreement (up to four years, with restricted rental rates). A hearing shall be held in which the local jurisdiction may approve or deny the subdivision. The scope of the hearing is limited to the issue of compliance with this section.

Local agencies are prohibited from adding subdivision requirements such as payment of relocation costs or unit purchase at "in-place" value. Subdivisions would create a hardship for the park residents who are unable to buy their spaces in today's high priced real estate market. Santa Barbara County has adopted an ordinance that prohibits the subdivision of mobilehome parks. The county's Chapter 21, Subdivision Regulations, reads as follows:

#### DIVISION 2 PROHIBITION OF CONVERSION OF MOBILE HOME RENTAL PARKS TO MOBILE HOME SUBDIVISIONS

##### Section 21-127. Findings.

- a) Mobile home rental parks in the unincorporated area of Santa Barbara County provide the most affordable single-family (detached) living units for lower income families in many instances.
- b) Mobile home park tenants have a substantial investment in their mobile homes.
- c) Because of the shortage of mobile home rental park spaces in the County, substantial economic and social hardships could occur for mobile home park tenants who could not afford to purchase a lot as a result of conversion to a mobile home condominium or subdivision.
- d) Opportunities for mobile home lot ownership in new developments are available through the County's Mobile Home Subdivision zoning provisions.

##### Section 21-128. Prohibition of Conversion of Mobile Home Rental Parks.

Pursuant to the findings set forth in Sect. 21-127, the conversion of mobile home rental parks to mobile home subdivisions is hereby prohibited.

Land values have increased substantially the County. Subdivided lots in a mobilehome park may command high sales prices, particularly in the desirable areas of the County. Many, perhaps the majority of park residents may be unable to purchase the space that their units are located on. Subdivision of a mobilehome park into a resident ownership park (a condominium) would create a significant hardship to these residents and would cause a loss of affordable housing in the County. Staff has revised the draft ordinance to prohibit the subdivision of existing mobilehome parks into resident ownership parks.

- Financial impact of County ordinances. There is mistrust between park owners and park residents and disagreement regarding the financial impacts of the proposed ordinance and the County's mobilehome park rent stabilization ordinance (rent control ordinance). Park owners have expressed concern over the combined economic impacts of the County's existing and proposed ordinances. In contrast, park residents claim that the rent control ordinance has loopholes and is not strictly enforced by the County so that there are few or no adverse economic impacts. The County's rent stabilization ordinance is currently being challenged in court by an interstate mobilehome park owner. But mobilehome parks have continued to be bought and sold since the rent control initiative was passed in 1983. Accurate answers may be unavailable unless an audit is performed on the financial records of individual mobilehome parks.
- Encouraging new mobilehome parks. If new mobilehome parks were developed then the County's stock of affordable housing would expand, and the new parks could receive units if any existing mobilehome parks closed. Incentives could be provided, such as allowing higher densities and designating specific areas for new development (i.e., mobilehome park overlay zones). The County could encourage residents to buy their mobilehome park. Although it appears that the County could provide more incentives to encourage new mobilehome parks, the purpose of this ordinance amendment is to address the closure of existing mobilehome parks. A separate County action is needed to adopt new methods of encouraging the development of mobilehome parks. Staff will consider recommending a new program addressing mobilehome park development when the County amends its Housing Element in 2009.

## FINDINGS

### *Environmental Determination*

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on April 27, 2006 for this project.
- B. The proposed land use ordinance amendments are consistent with the Land Use Element, Housing Element and other adopted elements of the general plan because the changes are consistent with the general goals of the Land Use Element and the Housing Element.
- C. The proposed land use ordinance amendments are consistent with, and implement, Housing Element Programs:
  - HE 2.2: Ensure That Affordable Housing Remains Affordable
  - HE 2.3: Address Mobilehome Park Conversions
- D. The proposed land use ordinance amendments are consistent with the guidelines for amendments to the Land Use Ordinance because the modifications will ensure that future development assists in reducing the potential loss of existing affordable housing units within the County.
- E. The proposed land use ordinance amendments will protect the public health, safety and welfare of the area residents by reducing the potential loss of the existing, affordable housing stock within the County.

EXHIBIT LRP 2005-00009:A

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE, THE LAND USE ORDINANCE, CHAPTER 22.22 BY AMENDING SECTION 22.22.080 RELATING TO CONVERSION OF AN EXISTING RESIDENTIAL UNIT TO A CONDOMINIUM, PLANNED DEVELOPMENT OR SIMILAR RESIDENTIAL UNIT OWNERSHIP PROJECT

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 22.22.080 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

**D. Condominiums.** A condominium, planned development or similar residential unit ownership project in compliance with Subdivision Map Act Sections 66427 et seq. may use smaller parcel sizes to be determined by the Review Authority through Conditional Use Permit approval as set forth in Section 22.62.060, provided that:

1. The common ownership external parcel is in compliance with the provisions of this Section; and
2. The density of residential units is in compliance with Section 22.10.130 where the project is located in the Residential Multi-Family category.

**E. Condominium conversion.** The standards in this Subsection apply to the conversion of an existing residential or nonresidential development into a condominium, planned development, stock cooperative, time-share or similar residential unit ownership. All conversions shall comply with the California Subdivision Map Act and Title 21 of the County Code in addition to the standards of this Subsection.

1. **Parcel sizes.** As set forth in Subsection 22.22.080D.
2. **Application contents.** The Conditional Use Permit application required by this Subsection shall include all information specified by Article 6 of this Title, in addition to the following:

- a. **Impact Report.** A report shall be prepared and submitted with the application that contains: the number of households that will be displaced, the numbers of persons residing in all households, the age and income levels for all tenants, the rental rates of all units for the previous three years, documentation of the availability of comparable units with similar rental rates and the current rental vacancy rate for the urban or village area where the project is located.
- b. **Property Condition Report.** A report shall be prepared by a civil engineer and submitted with the application that contains: a detailed description of the physical condition of the roads, paving, buildings, structures, common areas, recreation features, landscape, utilities and infrastructure, an analysis of property and structural compliance with the current building, fire and land use codes, cost estimates for needed repairs and ongoing maintenance costs, and an estimate of the annual amount of homeowners' association fees.

c. **Tenant Information Package.** An information package shall be prepared and submitted with the application. Once the Tenant Information Package is determined by the Planning Director to be complete, the applicant shall provide verification that this package has been distributed to each tenant. The information package shall include: the name and address of developer and/or property owner, a copy of the Impact Report and Property Condition Report in compliance with Subsections E.2.a and b., the approximate date that the units shall be vacated if the Conditional Use Permit and tentative map are approved, notification that the tenant shall have the right to continue to rent the unit for at least 180 days after the date of approval of the Conditional Use Permit and tentative map, notification that the tenant shall have the right to terminate any long term rental lease or agreement that he may have with the manager or property owner, the approximate unit sales price and notification that the tenant has an exclusive right to purchase his or her respective unit upon the same terms that such unit will initially be offered to the general public, or more favorable terms, for a period of at least 90 days after a subdivision public report has been issued by the State Department of Real Estate, pursuant to Government Code Section 66427.1. The package shall also include notification that there is protection from unjust eviction for tenants who comply with their rental or lease agreements and with the written regulations of the rental property. The package shall note that once the applicant has issued a notice of "intent to convert", a tenant's rent shall not be increased more than once annually, and such increase shall not exceed the rate of increase in the Consumer Price Index (for the San Luis Obispo area) for the same period. Only rate increase terms covered by existing rental or lease agreements are exempt from this provision.

3. **Special noticing requirements.** The applicant shall provide evidence, to the satisfaction of the Planning Director, that each tenant has received or will receive each of the following notices and documents, in addition to the notice required by Section 22.70.060.

- a. **Notice of intent to convert.** A notice of "intent to convert" at least 60 days prior to submittal of the Conditional Use Permit and tentative map application, pursuant to Government Code Section 66427.1. After the notice of "intent to convert" has been issued, the applicant shall inform any new and/or prospective tenants that the County has received the request for approval of a condominium conversion, or that the condominium conversion request has been granted. The format of this notice shall comply with Government Code Section 66452.8(b), or superseding code.
- b. **Submittal notice.** A "submittal notice" issued within 10 days of the submittal of an application for a public report to the Department of Real Estate, pursuant to Government Code Section 66427.1. The notice shall indicate that the report will be available on request.
- c. **Approval notice.** An "approval notice" within 10 days after the County's approval of the final map, pursuant to Government Code Section 66427.1.
- d. **Option to purchase.** An "option to purchase" notice that grants the tenant an exclusive right to purchase his or her respective unit upon the same terms that such unit will initially be offered to the general public, or more favorable terms, for a period of at least 90 days after a subdivision public report has been issued by the State Department of Real Estate, pursuant to Government Code Section 66427.1.

- e. **Termination of tenancy.** A "termination of tenancy" notice that provides each tenant a minimum period of 180 days after County approval of the Conditional Use Permit and tentative map to vacate his or her residential unit. All relocation assistance to be provided, pursuant to Subsection E.4.a, shall be described. The said notice to be delivered by U.S. mail to each tenant within 10 days of County approval of the Conditional Use Permit and tentative map.
4. **Conditions of approval.** Approval of a Conditional Use Permit shall include the following conditions of approval at a minimum.
- a. **Relocation assistance.** The applicant shall provide each displaced household with a relocation fee of a dollar amount equal to two months rent in the unit currently occupied by that household. Said moving fee shall be paid at least 30 days before the household vacates its unit.
  - b. **Property improvements.** Each residential unit shall have separate utility hook-ups and meters (i.e., water, electricity and gas meter for each unit).
  - c. **Compliance with codes.** The property, plus all structures and improvements shall be in substantial conformance with building codes, fire codes, and the standards of the County Public Works. The property, plus all structures and improvements shall be inspected and approved by the Chief Building Official, the fire agency responsible for service, and County Public Works.
  - d. **Compliance with land use standards.** The condominium conversion shall comply with the development standards for new residential projects pursuant to the Land Use Ordinance and Land Use Element. This shall include the standards for unit density, design, setbacks, landscape and irrigation, fencing, parking and paving.
  - e. **Guarantee.** The applicant shall guarantee the condition of common area items, including but not limited to roads, paving, drainage systems, landscaping, hardscape and recreational facilities. The applicant shall also guarantee the condition of all residential and/or common area structures, roofing, foundations, plumbing, electrical, heating, ventilation, mechanical systems and utilities. All of these items shall be guaranteed to be in sound, usable condition for a period of one year from the date of the sale of the last individual unit sold.
  - f. **Covenants, Conditions, and Restrictions.** Covenants, Conditions and Restrictions shall be submitted for review and approval by the County.
5. **Special findings for condominium conversion.** A Conditional Use Permit for a conversion of an existing residential or nonresidential development into a condominium, planned development, stock cooperative, time-share or similar residential unit ownership may be approved only after the Review Authority makes the following findings:
- a. **That the total number of units to be converted to residential condominium units in any calendar year does not exceed 50 percent of the number of residential rental units that were built in the previous calendar year. The converted residential units are not required to be located in the same community as the newly constructed residential rental units.**

- b. That any existing, legally established affordable housing unit(s) located within a condominium conversion development shall be retained or shall be replaced with an affordable housing unit(s) that shall conform to the same affordable housing requirements as the existing unit(s). The replacement affordable housing unit shall be of the same size and characteristics, and shall be located within the same urban or village reserve area as the proposed conversion.

SECTION 2. That the Board of Supervisors has considered the initial study prepared and conducted with respect to the matter described above. The Board of Supervisors has, as a result of its consideration, and the evidence presented at the hearings on said matter, determined that the proposed negative declaration as heretofore prepared and filed as a result of the said initial study, is appropriate, and has been prepared and is hereby approved in accordance with the California Environmental Quality Act and the County's regulations implementing said Act. The Board of Supervisors, in adopting this ordinance, has taken into account and reviewed and considered the information contained in the negative declaration approved for this project and all comments that were received during the public hearing process. On the basis of the Initial Study and any comments received, there is no substantial evidence that the adoption of this ordinance will have a significant effect on the environment.

SECTION 3. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:



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\_\_\_\_\_  
Chairman of the Board of Supervisors,  
County of San Luis Obispo,  
State of California

ATTEST:

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk  
of the Board of Supervisors  
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED  
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.  
County Counsel

By: \_\_\_\_\_  
Deputy County Counsel

Dated: \_\_\_\_\_

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EXHIBIT LRP 2005-00009:B

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE 23 OF THE SAN LUIS OBISPO COUNTY CODE, THE COASTAL ZONE LAND USE ORDINANCE, CHAPTER 23.04 BY AMENDING SECTION 23.04.028 RELATING TO CONVERSION OF AN EXISTING RESIDENTIAL UNIT TO A CONDOMINIUM, PLANNED DEVELOPMENT OR SIMILAR RESIDENTIAL UNIT OWNERSHIP PROJECT

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 23.04.028 of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended as follows:

**D. Condominiums.** A condominium, planned development or similar residential unit ownership project in compliance with Subdivision Map Act Sections 66427 et seq. may use smaller parcel sizes to be determined by the Review Authority through Development Plan approval as set forth in Section 23.02.034, provided that:

1. The common ownership external parcel is in compliance with the provisions of this Section; and
2. The density of residential units is in compliance with Section 22.10.130 where the project is located in the Residential Multi-Family category.

**E. Condominium conversion.** The standards in this Subsection apply to the conversion of an existing residential or nonresidential development into a condominium, planned development, stock cooperative, time-share or similar residential unit ownership. All conversions shall comply with the California Subdivision Map Act and Title 21 of the County Code in addition to the standards of this Subsection.

**1. Parcel sizes.** As set forth in Subsection 23.04.028D.

**2. Application contents.** The Development Plan application required by this Subsection shall include all information specified by Article 6 of this Title, in addition to the following:

- a. **Impact Report.** A report shall be prepared and submitted with the application that contains: the number of households that will be displaced, the numbers of persons residing in all households, the age and income levels for all tenants, the rental rates of all units for the previous three years, documentation of the availability of comparable units with similar rental rates and the current rental vacancy rate for the urban or village area where the project is located.
- b. **Property Condition Report.** A report shall be prepared by a civil engineer and submitted with the application that contains: a detailed description of the physical condition of the roads, paving, buildings, structures, common areas, recreation features, landscape, utilities and infrastructure, an analysis of property and structural compliance with the current building, fire and land use codes, cost estimates for needed repairs and ongoing maintenance costs, and an estimate of the annual amount of homeowners' association fees.

c. **Tenant Information Package.** An information package shall be prepared and submitted with the application. Once the Tenant Information Package is determined by the Planning Director to be complete, the applicant shall provide verification that this package has been distributed to each tenant. The information package shall include: the name and address of developer and/or property owner, a copy of the Impact Report and Property Condition Report in compliance with Subsections E.2.a and b., the approximate date that the units shall be vacated if the Development Plan and tentative map are approved, notification that the tenant shall have the right to continue to rent the unit for at least 180 days after the date of approval of the Development Plan and tentative map, notification that the tenant shall have the right to terminate any long term rental lease or agreement that he may have with the manager or property owner, the approximate unit sales price and notification that the tenant has an exclusive right to purchase his or her respective unit upon the same terms that such unit will initially be offered to the general public, or more favorable terms, for a period of at least 90 days after a subdivision public report has been issued by the State Department of Real Estate, pursuant to Government Code Section 66427.1. The package shall also include notification that there is protection from unjust eviction for tenants who comply with their rental or lease agreements and with the written regulations of the rental property. The package shall note that once the applicant has issued a notice of "intent to convert", a tenant's rent shall not be increased more than once annually, and such increase shall not exceed the rate of increase in the Consumer Price Index (for the San Luis Obispo area) for the same period. Only rate increase terms covered by existing rental or lease agreements are exempt from this provision.

3. **Special noticing requirements.** The applicant shall provide evidence, to the satisfaction of the Planning Director, that each tenant has received or will receive each of the following notices and documents, in addition to the notice required by Section 22.70.060.

a. **Notice of intent to convert.** A notice of "intent to convert" at least 60 days prior to submittal of the Development Plan and tentative map application, pursuant to Government Code Section 66427.1. After the notice of "intent to convert" has been issued, the applicant shall inform any new and/or prospective tenants that the County has received the request for approval of a condominium conversion, or that the condominium conversion request has been granted. The format of this notice shall comply with Government Code Section 66452.8(b), or superseding code.

b. **Submittal notice.** A "submittal notice" issued within 10 days of the submittal of an application for a public report to the Department of Real Estate, pursuant to Government Code Section 66427.1. The notice shall indicate that the report will be available on request.

c. **Approval notice.** An "approval notice" within 10 days after the County's approval of the final map, pursuant to Government Code Section 66427.1.

d. **Option to purchase.** An "option to purchase" notice that grants the tenant an exclusive right to purchase his or her respective unit upon the same terms that such unit will initially be offered to the general public, or more favorable terms, for a period of at least 90 days after a subdivision public report has been issued by the State Department of Real Estate, pursuant to Government Code Section 66427.1.

- e. **Termination of tenancy.** A "termination of tenancy" notice that provides each tenant a minimum period of 180 days after County approval of the Development Plan and tentative map to vacate his or her residential unit. All relocation assistance to be provided, pursuant to Subsection E.4.a, shall be described. The said notice to be delivered by U.S. mail to each tenant within 10 days of County approval of the Development Plan and tentative map.

**4. Conditions of approval.** Approval of a Development Plan shall include the following conditions of approval at a minimum.

- a. **Relocation assistance.** The applicant shall provide each displaced household with a relocation fee of a dollar amount equal to two months rent in the unit currently occupied by that household. Said moving fee shall be paid at least 30 days before the household vacates its unit.
- b. **Property improvements.** Each residential unit shall have separate utility hook-ups and meters (i.e., water, electricity and gas meter for each unit).
- c. **Compliance with codes.** The property, plus all structures and improvements shall be in substantial conformance with building codes, fire codes, and the standards of the County Public Works. The property, plus all structures and improvements shall be inspected and approved by the Chief Building Official, the fire agency responsible for service, and County Public Works.
- d. **Compliance with land use standards.** The condominium conversion shall comply with the development standards for new residential projects pursuant to the Coastal Zone Land Use Ordinance and Land Use Element. This shall include the standards for unit density, design, setbacks, landscape and irrigation, fencing, parking and paving.
- e. **Guarantee.** The applicant shall guarantee the condition of common area items, including but not limited to roads, paving, drainage systems, landscaping, hardscape and recreational facilities. The applicant shall also guarantee the condition of all residential and/or common area structures, roofing, foundations, plumbing, electrical, heating, ventilation, mechanical systems and utilities. All of these items shall be guaranteed to be in sound, usable condition for a period of one year from the date of the sale of the last individual unit sold.
- f. **Covenants, Conditions, and Restrictions.** Covenants, Conditions and Restrictions shall be submitted for review and approval by the County.

**5. Special findings for condominium conversion.** A Development Plan for a conversion of an existing residential or nonresidential development into a condominium, planned development, stock cooperative, time-share or similar residential unit ownership may be approved only after the Review Authority makes the following findings:

- a. That the total number of units to be converted to residential condominium units in any calendar year does not exceed 50 percent of the number of residential rental units that were built in the previous calendar year. The converted residential units are not required to be located in the same community as the newly constructed residential rental units.

- b. That any existing, legally established affordable housing unit(s) located within a condominium conversion development shall be retained or shall be replaced with an affordable housing unit(s) that shall conform to the same affordable housing requirements as the existing unit(s). The replacement affordable housing unit shall be of the same size and characteristics, and shall be located within the same urban or village reserve area as the proposed conversion.

**SECTION 2.** That the Board of Supervisors has considered the initial study prepared and conducted with respect to the matter described above. The Board of Supervisors has, as a result of its consideration, and the evidence presented at the hearings on said matter, determined that the proposed negative declaration as heretofore prepared and filed as a result of the said initial study, is appropriate, and has been prepared and is hereby approved in accordance with the California Environmental Quality Act and the County's regulations implementing said Act. The Board of Supervisors, in adopting this ordinance, has taken into account and reviewed and considered the information contained in the negative declaration approved for this project and all comments that were received during the public hearing process. On the basis of the Initial Study and any comments received, there is no substantial evidence that the adoption of this ordinance will have a significant effect on the environment.

**SECTION 3.** If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

**SECTION 4:** This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

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\_\_\_\_\_  
Chairman of the Board of Supervisors,  
County of San Luis Obispo,  
State of California

ATTEST:

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk  
of the Board of Supervisors  
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED  
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.  
County Counsel

By: \_\_\_\_\_  
Deputy County Counsel

Dated: \_\_\_\_\_

EXHIBIT LRP 2005-00009:C

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE, THE LAND USE ORDINANCE, CHAPTER 22.30 BY AMENDING SECTION 22.30.440 RELATING TO CLOSURE OR CONVERSION OF A MOBILEHOME PARK TO ANOTHER USE

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

**SECTION 1:** Section 22.30.440E and F of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

- E. Mobile home park condominiums.** A mobile home park condominium, planned development or similar residential unit ownership project may use smaller parcel sizes than what would otherwise be allowed by Chapter 22.22, to be determined by the Review Authority through Conditional Use Permit approval provided that the density of the units is in compliance with Subsection B. Mobile home park condominiums are also subject to the requirements of Subsection F.
- F. ~~Conversion of a mobilehome park to another use.~~ Closure or conversion of a mobile home park to another use.** ~~Any subdivision of an existing mobile home park or conversion of an existing mobile home park to another land use is subject to the following requirements, in addition to all other applicable provisions of this Title. Any closure, subdivision or conversion to another use of a mobilehome park, or any portion thereof, is subject to the following requirements, in addition to all other applicable provisions of this Title.~~
- 1. Permit requirement.** Conditional Use Permit approval in compliance with Section 22.62.060.
  - 2. Application content.** The Conditional Use Permit application shall include the following items ~~the report required by Government Code Section 66427.4 or 65863.7 as applicable,~~ in addition to all information required by Section 22.62.060.
    - a. Impact Report** - A report shall be prepared and submitted with the application pursuant to Government Code 65863.7 or 66427.4. The Impact Report shall be prepared by an independent agent acceptable to the County and at a minimum, shall include the following information:
      - (1) The number of mobilehomes that will remain or be displaced by the proposed development. For displaced units describe the age, size and condition of the mobilehomes.
      - (2) The number of available vacant mobilehome spaces in approved mobilehome parks within San Luis Obispo County, the space rental rates and evidence of the willingness of other site owners to receive any of the displaced mobilehomes.
      - (3) A relocation cost estimate consisting of all costs related to moving the displaced mobilehome to an available receiving site in San Luis Obispo County. This includes moving costs, mobilehome set-up costs, utility

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hook-up fees, and any move-in deposit. Any receiving site located outside of an approved mobilehome park and the relocated mobilehome it receives shall be in conformance with all applicable county codes, and all permitting costs shall be disclosed.

- (4) For displaced residents, the household sizes, income levels, age of the residents, whether they own or rent the mobilehome, and the monthly rental rates (space rent and/or unit rental rate).

3. **Special notice requirement.** As required by Government Code Section 65863.8, at least 30 days before the public hearing on the Development Plan, the Department of Planning and Building shall notify the applicant in writing of the provisions of Section 798.56 of the Civil Code regarding the responsibility of the applicant to notify residents and mobile home owners of the mobile home park of the proposed change in use. No hearing on a proposed mobile home park conversion shall be scheduled until the applicant has verified such notification to the satisfaction of the Planning Director. The applicant shall verify, to the Planning Director's satisfaction, that each park resident and mobilehome owner has received or will receive each of the following notices and documents. No hearing on a proposed mobile home park conversion shall be scheduled until the applicant has verified the notification to the satisfaction of the Director.

- a. **Notice of Intent.** A "notice of intent" by applicant to convert or close the mobilehome park at least 60 days prior to submittal of the application to the County. After the "notice of intent" has been issued, the applicant shall inform all new or prospective residents and/or mobilehome owners that the applicant has requested County approval of a change of use or that a change of use request has been granted, pursuant to Civil Code 798.56(g).
- b. **Impact Report.** A copy of the Impact Report as set forth in Subsection F.2.a. at least 15 days before the County holds the Conditional Use Permit hearing, pursuant to Civil Code 798.56(h).
- c. **Public hearing notice.** A public hearing notice, in addition to the public hearing notice provided by the County, at least 15 days before the County holds the Conditional Use Permit hearing, pursuant to Civil Code 798.56(g).
- d. **Notice of termination of tenancy.** All displaced residents and mobilehome owners shall be given a written "notice of termination of tenancy" that provides for a minimum of 180 days after approval of the Conditional Use Permit to vacate their spaces, pursuant to Civil Code 798.56(g). The said notice shall be delivered by U.S. mail to each tenant within 10 days of permit approval by the County.

4. **Conditions of approval.** Approval of a Conditional Use Permit shall include the following conditions of approval at a minimum.

- a. **Relocation or sale.** Pursuant to Government Code Section 65863.7 and 66427.4, the County shall apply mitigation measures to fully cover the reasonable costs of relocation for displaced mobilehome park residents who must find another mobilehome park. If no comparable mobilehome park or mobilehome owner-approved receiving site exists, then the applicant shall buy the mobilehome at its "in-place" value as described below. Mobilehome owners who do not use the mobilehome as their primary residence shall be eligible only for the relocation



option. Income qualified mobilehome owners who experienced a personal, disabling condition that required a temporary residential stay elsewhere within the 12 months prior to the submittal date of the Conditional Use Permit application (pursuant to Civil Code 798.23.5) are eligible for all options described below. The Conditional Use Permit shall identify the option assigned to each displaced mobilehome in a Relocation Plan, as follows:

- (1) **Relocation.** Applicant shall pay all costs related to moving the mobilehome plus fixtures, accessories, and the mobilehome owner's possessions to a comparable mobilehome park within 20 miles of the existing location or to a receiving site within the County acceptable to the mobilehome owner. Fixtures and accessories include, but are not limited to: decks, porches, stairs, access ramps, skirting, awnings, carports and storage sheds. Relocation shall include all disassembly and moving costs, mobilehome set-up costs, utility hook-up fees, moving of mobilehome owner's possessions, any move-in deposit, any permitting fees and the reasonable living expenses of displaced mobilehome residents from the date of actual displacement until the date of occupancy at the new site. The comparable mobilehome park, or mobilehome owner-approved receiving site, and the relocated mobilehome shall conform to all applicable county codes. The mobilehome park or receiving site shall be available and willing to receive the mobilehome.
- (2) **Sale at "in-place" value.** This option shall be available to permanent resident mobilehome owner(s) of very low, low, moderate or workforce income levels. If the mobilehome cannot be relocated to a comparable mobilehome park or mobilehome owner-approved receiving site the applicant shall buy the mobilehome and pay the "in-place" sale value, which shall be the appraised fair market value as determined by an independent appraiser utilizing principles applicable in mobilehome relocation matters. Such value shall be determined after consideration of relevant factors, including the value of the mobilehome in its current location, assuming continuation of the mobilehome park in a safe, sanitary and well maintained condition.
- (3) **Relocation Plan.** The Relocation Plan shall identify all displaced mobilehomes to be sold to the applicant or to be relocated for the mobilehome owner(s). All real estate and financial transactions and all relocation activities shall occur prior to termination of tenancy of each displaced mobilehome. Any disagreement between a mobilehome owner and applicant regarding relocation costs or "in-place" sales value shall be referred to a professional arbitrator. The plan shall provide the appraised "in-place" sales price of all mobilehomes to be sold. For all relocated mobilehomes, the plan shall describe the cost of relocation for each unit, identify the new location site, and shall describe the time frame and steps that will be followed to complete the relocation.
- (4) **Permanent resident.** A "permanent resident" is any person who lives in the mobilehome park for 270 days or more in any 12-month period, or whose residential address in the mobilehome park can be verified as one that meets at least half of the following criteria:
  - (a) Address where registered to vote.

- (b) Home address on file at place of employment or business.
- (c) Home address on file at dependents primary or secondary school.
- (d) Not receiving a homeowner's exemption for another property or mobilehome in this state nor having a principal residence in another state.
- (e) DMV licence address.
- (f) Mailing address.
- (g) Vehicle insurance address.
- (h) Home address on file with Bank account.
- (i) Home address on file with IRS.
- (j) Home address on file with local club/association membership.

5. **Mobilehome park subdivision.** Conversion of an existing mobilehome park from a rental mobilehome park to residential ownership or to condominium ownership is prohibited.

6. **Vacancy of a mobilehome park exceeding twenty (20%) percent.**

- a. Whenever twenty (20%) percent or more of the total number of mobilehome sites within a mobilehome park are uninhabited and such condition was not caused by a natural or physical disaster beyond the control of the mobilehome park owner, then such condition shall be deemed a "change of use" for the purposes of this ordinance. The mobilehome park owner shall file an application for the closure or conversion of a mobile home park to another use, pursuant to the requirements of this Section. A mobilehome site is considered to be "uninhabited" when it is either (i) unoccupied by a mobilehome, or (ii) occupied by a mobilehome in which no person resides.
- b. Whenever a mobilehome park resident or other interested person has reason to believe that 20% or more of the total number of mobilehome sites within a mobilehome park are uninhabited, as described in Subsection F6(a), such resident or person may file a written statement to that effect with the Director of the Department of Planning and Building. Upon receipt of such statement, the Director shall cause an investigation and inspection to be conducted as to the correctness of such statement. Upon completion of the investigation and inspection, the Director shall make a determination as to whether the mobilehome park is undergoing a change of use.
- c. If the Director of the Department of Planning and Building determines that a mobilehome park is undergoing a change of use, pursuant to Subsection F6(b), he or she shall send to the mobilehome park owner a written notice by certified mail which describes the Director's determination and establishes a reasonable period of time by which mobilehome park owner shall submit an application pursuant to this Section for the closure or conversion of a mobile home park to another use. A copy of the written notice shall be sent to the mobilehome park resident or person who filed the written statement regarding the vacancy condition of the mobilehome park.
- d. The determination of the Director of the Department of Planning and

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Building pursuant to Subsection F6(b) may be appealed by the person who filed the statement, by the mobilehome park owner or by any other interested person but not more than fifteen (15) calendar days after the date of the notice of determination. All such appeals shall be submitted and processed in conformance with Section 22.70.050.

**7. Special Findings for closure or conversion of a mobile home park to another use.** A Conditional Use Permit may be approved only after the Review Authority first determines that the request satisfies the following findings, in addition to the findings required by Section 22.62.060.C.4:

- a.** Adequate measures to address the financial and other adverse impacts to the residents and/or owners of the displaced mobilehomes have been taken.

**SECTION 2.** That the Board of Supervisors has considered the initial study prepared and conducted with respect to the matter described above. The Board of Supervisors has, as a result of its consideration, and the evidence presented at the hearings on said matter, determined that the proposed negative declaration as heretofore prepared and filed as a result of the said initial study, is appropriate, and has been prepared and is hereby approved in accordance with the California Environmental Quality Act and the County's regulations implementing said Act. The Board of Supervisors, in adopting this ordinance, has taken into account and reviewed and considered the information contained in the negative declaration approved for this project and all comments that were received during the public hearing process. On the basis of the Initial Study and any comments received, there is no substantial evidence that the adoption of this ordinance will have a significant effect on the environment.

**SECTION 3.** If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

**SECTION 4:** This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by the following roll call vote, to wit:

AYES:

NOES:

3-28

ABSENT:

ABSTAINING:

\_\_\_\_\_  
Chairman of the Board of Supervisors,  
County of San Luis Obispo,  
State of California

ATTEST:

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk  
of the Board of Supervisors  
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED  
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.  
County Counsel

By: \_\_\_\_\_  
Deputy County Counsel

Dated: \_\_\_\_\_

EXHIBIT LRP 2005-00009:D

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE 23 OF THE SAN LUIS OBISPO COUNTY CODE, THE COASTAL ZONE LAND USE ORDINANCE, CHAPTER 23.08 BY AMENDING SECTION 23.08.164 RELATING TO CLOSURE OR CONVERSION OF A MOBILEHOME PARK TO ANOTHER USE

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 23.08.164F & G of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended as follows:

- F. **Mobile home park condominiums.** A mobile home park condominium, planned development or similar residential unit ownership project may use smaller parcel sizes than what would otherwise be allowed by Chapter 23.04.025 et seq., to be determined by the Review Authority through Development Plan approval provided that the density of the units is in compliance with Section 23.08.164(c). Mobile home park condominiums are also subject to the requirements of subsection g of this section.
- G. **Conversion of a mobilehome park to another use.** ~~Any subdivision of an existing mobile home park or conversion of an existing mobile home park to another land use is subject to the following requirements, in addition to all other applicable provisions of this Title.~~ Any closure, subdivision or conversion to another use of a mobilehome park, or any portion thereof, is subject to the following requirements, in addition to all other applicable provisions of this Title.
1. **Permit requirement.** Development Plan approval in compliance with Section 23.02.034.
  2. **Application content** The Development Plan application shall include ~~the following items~~ the report required by Government Code Section 66427.4 or 65863.7 as applicable, in addition to all information required by Section 23.02.034.
    - a. **Impact Report** - A report shall be prepared and submitted with the application pursuant to Government Code 65863.7 or 66427.4. The Impact Report shall be prepared by an independent agent acceptable to the County and at a minimum, shall include the following information:
      - (1) The number of mobilehomes that will remain or be displaced by the proposed development. For displaced units describe the age, size and condition of the mobilehomes.
      - (2) The number of available vacant mobilehome spaces in approved mobilehome parks within San Luis Obispo County, the space rental rates and evidence of the willingness of other site owners to receive any of the displaced mobilehomes.
      - (3) A relocation cost estimate consisting of all costs related to moving the displaced mobilehome to an available receiving site in San Luis Obispo

County. This includes moving costs, mobilehome set-up costs, utility hook-up fees, and any move-in deposit. Any receiving site located outside of an approved mobilehome park and the relocated mobilehome it receives shall be in conformance with all applicable county codes, and all permitting costs shall be disclosed.

- (4) For displaced residents, the household sizes, income levels, age of the residents, whether they own or rent the mobilehome, and the monthly rental rates (space rent and/or unit rental rate).

3. **Special notice requirement.** As required by Government Code Section 65863.8, at least 30 days before the public hearing on the Development Plan, the Department of Planning and Building shall notify the applicant in writing of the provisions of Section 798.56 of the Civil Code regarding the responsibility of the applicant to notify residents and mobile home owners of the mobile home park of the proposed change in use. No hearing on a proposed mobile home park conversion shall be scheduled until the applicant has verified such notification to the satisfaction of the Planning Director. The applicant shall verify, to the Planning Director's satisfaction, that each park resident and mobilehome owner has received or will receive each of the following notices and documents. No hearing on a proposed mobile home park conversion shall be scheduled until the applicant has verified the notification to the satisfaction of the Director.

- a. **Notice of Intent.** A "notice of intent" by applicant to convert or close the mobilehome park at least 60 days prior to submittal of the application to the County. After the "notice of intent" has been issued, the applicant shall inform all new or prospective residents and/or mobilehome owners that the applicant has requested County approval of a change of use or that a change of use request has been granted, pursuant to Civil Code 798.56(g).
- b. **Impact Report.** A copy of the Impact Report as set forth in Subsection F.2.a. at least 15 days before the County holds the Development Plan hearing, pursuant to Civil Code 798.56(h).
- c. **Public hearing notice.** A public hearing notice, in addition to the public hearing notice provided by the County, at least 15 days before the County holds the Development Plan hearing, pursuant to Civil Code 798.56(g).
- d. **Notice of termination of tenancy.** All displaced residents and mobilehome owners shall be given a written "notice of termination of tenancy" that provides for a minimum of 180 days after approval of the Development Plan to vacate their spaces, pursuant to Civil Code 798.56(g). The said notice shall be delivered by U.S. mail to each tenant within 10 days of permit approval by the County.

4. **Conditions of approval.** Approval of a Conditional Use Permit shall include the following conditions of approval at a minimum.

- a. **Relocation or sale.** Pursuant to Government Code Section 65863.7 and 66427.4, the County shall apply mitigation measures to fully cover the reasonable costs of relocation for displaced mobilehome park residents who must find another mobilehome park. If no comparable mobilehome park or mobilehome owner-approved receiving site exists, then the applicant shall buy the mobilehome at its "in-place" value as described below. Mobilehome owners who do not use the

mobilehome as their primary residence shall be eligible only for the relocation option. Income qualified mobilehome owners who experienced a personal, disabling condition that required a temporary residential stay elsewhere within the 12 months prior to the submittal date of the Conditional Use Permit application (pursuant to Civil Code 798.23.5) are eligible for all options described below. The Conditional Use Permit shall identify the option assigned to each displaced mobilehome in a Relocation Plan, as follows:

- (1) **Relocation.** Applicant shall pay all costs related to moving the mobilehome plus fixtures, accessories, and the mobilehome owner's possessions to a comparable mobilehome park within 20 miles of the existing location or to a receiving site within the County acceptable to the mobilehome owner. Fixtures and accessories include, but are not limited to: decks, porches, stairs, access ramps, skirting, awnings, carports and storage sheds. Relocation shall include all disassembly and moving costs, mobilehome set-up costs, utility hook-up fees, moving of mobilehome owner's possessions, any move-in deposit, any permitting fees and the reasonable living expenses of displaced mobilehome residents from the date of actual displacement until the date of occupancy at the new site. The comparable mobilehome park, or mobilehome owner-approved receiving site, and the relocated mobilehome shall conform to all applicable county codes. The mobilehome park or receiving site shall be available and willing to receive the mobilehome.
- (2) **Sale at "in-place" value.** This option shall be available to permanent **resident mobilehome owner(s) of very low, low, moderate or workforce income levels.** If the mobilehome cannot be relocated to a comparable mobilehome park or mobilehome owner-approved receiving site the applicant shall buy the mobilehome and pay the "in-place" sale value, which shall be the appraised fair market value as determined by an independent appraiser utilizing principles applicable in mobilehome relocation matters. Such value shall be determined after consideration of relevant factors, including the value of the mobilehome in its current location, assuming continuation of the mobilehome park in a safe, sanitary and well maintained condition.
- (3) **Relocation Plan.** The Relocation Plan shall identify all displaced mobilehomes to be sold to the applicant or to be relocated for the mobilehome owner(s). All real estate and financial transactions and all relocation activities shall occur prior to termination of tenancy of each displaced mobilehome. Any disagreement between a mobilehome owner and applicant regarding relocation costs or "in-place" sales value shall be referred to a professional arbitrator. The plan shall provide the appraised "in-place" sales price of all mobilehomes to be sold. For all relocated mobilehomes, the plan shall describe the cost of relocation for each unit, identify the new location site, and shall describe the time frame and steps that will be followed to complete the relocation.
- (4) **Permanent resident.** A "permanent resident" is any person who lives in the mobilehome park for 270 days or more in any 12-month period, or whose residential address in the mobilehome park can be verified as one that meets at least half of the following criteria:

- (a) Address where registered to vote.
- (b) Home address on file at place of employment or business.
- (c) Home address on file at dependents primary or secondary school.
- (d) Not receiving a homeowner's exemption for another property or mobilehome in this state nor having a principal residence in another state.
- (e) DMV licence address.
- (f) Mailing address.
- (g) Vehicle insurance address.
- (h) Home address on file with Bank account.
- (i) Home address on file with IRS.
- (j) Home address on file with local club/association membership.

5. **Mobilehome park subdivision.** Conversion of an existing mobilehome park from a rental mobilehome park to residential ownership or to condominium ownership is prohibited.

6. **Vacancy of a mobilehome park exceeding twenty (20%) percent.**

- a. Whenever twenty (20%) percent or more of the total number of mobilehome sites within a mobilehome park are uninhabited and such condition was not caused by a natural or physical disaster beyond the control of the mobilehome park owner, then such condition shall be deemed a "change of use" for the purposes of this ordinance. The mobilehome park owner shall immediately file an application for the closure or conversion of the mobile home park to another use, pursuant to the requirements of this Section. A mobilehome site is considered to be "uninhabited" when it is either (i) unoccupied by a mobilehome, or (ii) occupied by a mobilehome in which no person resides.
- b. Whenever a mobilehome park resident or other interested person has reason to believe that 20% or more of the total number of mobilehome sites within a mobilehome park are uninhabited, as described in Subsection G6(a), such resident or person may file a written statement to that effect with the Director of the Department of Planning and Building. Upon receipt of such statement, the Director shall cause an investigation and inspection to be conducted as to the correctness of such statement. Upon completion of the investigation and inspection, the Director shall make a determination as to whether the mobilehome park is undergoing a change of use.
- c. If the Director of the Department of Planning and Building determines that a mobilehome park is undergoing a change of use, pursuant to Subsection G6(b), he or she shall send to the mobilehome park owner a written notice by certified mail which describes the Director's determination and establishes a reasonable period of time by which mobilehome park owner shall submit an application pursuant to this Section for the closure or conversion of the mobile home park to another use. A copy of the written notice shall be sent to the mobilehome park resident or person who filed the written statement regarding the vacancy condition of the mobilehome park.



- d. The determination of the Director of the Department of Planning and Building pursuant to Subsection G6(b) may be appealed by the person who filed the statement, by the mobilehome park owner or by any other interested person but not more than fifteen (15) calendar days after the date of the notice of determination. All such appeals shall be submitted and processed in conformance with Section 23.01.042.

**7. Special Findings for closure or conversion of a mobile home park to another use.** A Development Plan may be approved only after the Review Authority first determines that the request satisfies the following findings, in addition to the findings required by Section 23.02.034.C.4:

- a. Adequate measures to address the financial and other adverse impacts to the residents and/or owners of the displaced mobilehomes have been taken.

**SECTION 2.** That the Board of Supervisors has considered the initial study prepared and conducted with respect to the matter described above. The Board of Supervisors has, as a result of its consideration, and the evidence presented at the hearings on said matter, determined that the proposed negative declaration as heretofore prepared and filed as a result of the said initial study, is appropriate, and has been prepared and is hereby approved in accordance with the California Environmental Quality Act and the County's regulations implementing said Act. The Board of Supervisors, in adopting this ordinance, has taken into account and reviewed and considered the information contained in the negative declaration approved for this project and all comments that were received during the public hearing process. On the basis of the Initial Study and any comments received, there is no substantial evidence that the adoption of this ordinance will have a significant effect on the environment.

**SECTION 3.** If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

**SECTION 4:** This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

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INTRODUCED at a regular meeting of the Board of Supervisors held on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

\_\_\_\_\_  
Chairman of the Board of Supervisors,  
County of San Luis Obispo,  
State of California

ATTEST:

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk  
of the Board of Supervisors  
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED  
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.  
County Counsel

By: \_\_\_\_\_  
Deputy County Counsel

Dated: \_\_\_\_\_

3-35

ANDRE,  
MORRIS  
& BUTTERY

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May 31, 2006

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*Via Facsimile & U.S. Mail*

Timothy McNulty  
Deputy County Counsel  
San Luis Obispo County Counsel  
County Government Center  
1050 Monterey Street, Room 386  
San Luis Obispo, CA 93408

Proposed Mobile Home Park Condominium Conversion Ordinance

Dear Tim:

As you may know, this firm represents the owners of the Mesa Dunes Mobile Home Park. I am writing in response to the County's proposed amendments to Sections 22.30.440E and F of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code regarding mobile home park conversions. Although County staff has indicated that they may modify the proposed ordinance before it is presented to the Planning Commission, I felt it was prudent to inform you that the Mobile Home Park Conversion Ordinance, as currently proposed, has at least one serious flaw affecting our clients and their property. It was my hope that by providing this information, you could better evaluate this Conversion Ordinance.

Specifically, my client is concerned with the validity of one of the particular requirements under the scenario where the owner undertakes a condominium conversion of a mobile home park to permit the residents to go from renters of mobile home spaces to having the opportunity to purchase those spaces. While Sections F(1) through F(4) apply to conversion of a mobile home park to another use, Sections F(5) and F(6) deal separately with the condominium conversions scenario. Section F(5)(b) provides each mobile home owner must be given the option to buy his or her space, or to continue residence as a tenant for a limited time period. Section F(5) goes on to say that all residents who do not buy a space and do not choose to continue a limited term residence shall receive a Notice of Termination of Tenancy under and shall receive the relocation benefits described in Subsection F(4). Included in Section F(4)(a) is the requirement that "If no comparable mobile home park or owner-approved receiving site exists, then the applicant shall buy the mobile home at its "in-place" sale value." It is this obligation to buy the mobile home at its "in-place" sale value which is improper.

There are two state statutes that apply to our discussion: 1) Government Code Section 66427.4 governs the change of a mobile home park to another use; and 2) Government Code

Timothy McNulty  
May 31, 2006  
Page 2

Section 66427.5 which governs maps the subdivision of an existing mobile home park to permit residents the opportunity to purchase the spaces on which their coaches are located.

California Government Code Section 66427.4(d) states, "This section establishes a minimum standard for local regulation of conversions of mobile home parks into other uses and shall not prevent a local agency from enacting more stringent measures." Presumably, this is the section that the County relies on for authority in enacting the proposed amendments. However, it is followed by Section 66427.4(e) which states, "This section shall not be applicable to a subdivision which is created from the conversion of a rental mobile home park to resident ownership." Therefore, the seemingly broad authority conveyed by subsection d in regard to conversions of a mobile home park to another use, specifically does not apply to the conversion of mobile home park from a rental park to a resident owned park.

Since Section 66427.4 does not apply, we move on to Section 66427.5. Interestingly, Section 66427.5 was amended in 2002 in direct response to a case which hinged on the interpretation of Sections 66427.4 and 66427.5. In El Dorado Palm Springs, Ltd. v. City of Palm Springs (2002) 96 Cal. App. 4<sup>th</sup> 1153), the California 4<sup>th</sup> District Court of Appeals held that Section 66427.4 which authorized the Palm Springs City Council to require a subdivider of a mobile home park to mitigate adverse impact of a conversion of a park to another use *did not* apply to a mobile home park owner's conversion from rental park to residence ownership, and thus the City Council could not rely on that statute to attach conditions to the park owner's application to subdivide park. The Court found that the statute's plain language stated it was inapplicable to a subdivision created from the conversion of a rental mobile home park to residence ownership.

In reaction to the holding in El Dorado, the Legislature amended Government Code 66427.5 to provide for a survey of the residents to determine support for the conversion. The Historical and Statutory Notes under Government Code 66427.5 include the following excerpt:

"It is the clear intent of the Legislature to address the conversion of a mobile home park to resident ownership that is not a bona fide resident conversion, as described by the Court of Appeal in El Dorado Palm Springs, Ltd. v. City of Palm Springs (2002) 96 Cal. App. 4<sup>th</sup> 1153. The court in this case concluded that the subdivision map approval process specified in Section 66427.5 of the Government Code may not provide local agencies with the authority to prevent non bona fide resident conversions. The court explained how a conversion of a mobile home park to resident ownership could occur without the support of the residents and result in economic displacement. It is, therefore, the intent of the

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Timothy McNulty  
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Page 3

Legislature in enacting this act to ensure that conversions pursuant to Section 66427.5 of the Government code are bona fide resident conversions."

Note that the holding in El Dorado is still good law and that the Legislature's reaction was to amend the requirements of 66427.5 to specifically provide for the resident survey, but yet they did nothing to amend either 66427.5 or 66427.4 to confer any additional authority to local governments to adopt more stringent standards or requirements for condominium conversion of mobile home parks beyond what is specifically provided in Section 66427.5. Under these state statutes, it would appear that the County of San Luis Obispo through a conversion ordinance can only require two things. It can require (1) surveys of residents to determine if it is supported by residents and (2) it can enact limits on rent increases that can be charged to low income tenants for a statutory time period of four years in order to protect against economic displacement.

Therefore, the County's proposal to require park owners to purchase coaches under Subsection F(4)(d) does not comply with state law because the broad right to impose restrictions as set forth in Section 66427.4 (d) does not apply to conversion of a mobile home park to a resident owned condominium project. Simply put it is beyond the allowable conditions set forth in Section 66427.5.

I would appreciate hearing your thoughts on this matter. I will look forward to your response. In the meantime, if you have any questions, or would like to discuss this matter in further detail, please do not hesitate to contact me.

Very truly yours,



James C. BATTERY

JCB/jas

cc: K.L. Staddon  
John Wallace  
Ted Bench  
Dana Lilley  
David Evans  
Steve MacElvaine

3-38

March 26, 2006

Mr. Katcho Achadjian  
San Luis Obispo County Board of Supervisors  
County Government Center  
Suite-D430  
San Luis Obispo, Ca. 93408

Board of Supervisors:

Update on how SLO County housing costs are affecting our economy and how this impacts on the proposed Mobilehome Park Conversion Ordinance.

Ref. -The Tribune March 26, 2006

A lack of affordable housing is causing younger workers, ages 18 to 44 to be twice as likely to leave the county. Companies are already finding it difficult to find workers. Can firms stay here if they can't find the people they need? The nonprofit Economic Vitality Corp. of SLO County called this situation: "A very negative thing, a brain drain" that would hurt the county's economy and community in numerous ways.

Plus this: Two school teachers; both working full time, cannot afford to buy a home in San Luis Obispo County. Can the county pay teachers enough that they can afford to buy a home here? If not, what kind of teachers will the county attract if they know they won't be able to have a home of their own?

It is becoming more and more obvious. What this county needs is more low and medium priced housing, not less. Please, to best serve the public good, adopt an ordinance emulating the Santa Barbara County model, prohibiting the subdividing of mobilehome parks. It's simply the right thing to do.  
Thank you.

Sincerely:

Hugh M. Gilson/Board Member-Home Owners Assoc.-Duna Vista MHP,  
Oceano, Ca.

**3-39**  
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February 9, 2006

VIA FACSIMILE AND U. S. MAIL  
(805) 781-4221

James B. Lindholm Jr., Esq.  
County Counsel, San Luis Obispo County  
County Government Center, Suite D320  
San Luis Obispo, California 93408

Re: Proposed Mobilehome Conversion Ordinance/  
County of San Luis Obispo Parkowners

Dear Mr. Lindholm:

As you know, this office represents the owners of eight mobilehome parks in the County of San Luis Obispo.<sup>1</sup> As I advised previously, it is my understanding that the County is considering adopting an ordinance regulating the closure and/or conversion of mobilehome parks to other uses. My clients maintain that the County may not enact any ordinance that would require parkowners to pay tenants any amount whatsoever, should they decide to close their mobilehome parks.

To the contrary, my clients maintain that any ordinance that would require parkowners to pay money in order to close their parks would result in the taking of property, requiring the payment of just compensation by the County. Without waiving any rights, however, my clients are willing to participate in the "task force" the County apparently intends to form, to consider alternative solutions to assist tenants that may be displaced by a park closure. Below is a more detailed explanation of my clients' position on this issue.

---

<sup>1</sup> Those parks are Santa Margarita Mobilehome Park, Grande Mobile Manor, Rancho Colina, Casa Del Rey Mobilehome Park, Hilltop Trailer Park, Ken Mar Gardens, Los Robles Mobile Estates and Baywood Trailer Park.

James B. Lindholm Jr., Esq.

February 9, 2006

Page 2

**I. ANY ATTEMPT TO REQUIRE PARKOWNERS TO PAY THE "IN PLACE" VALUE OF MOBILEHOMES IN ORDER TO GO OUT OF BUSINESS IS PROHIBITED BY THE FEDERAL CONSTITUTION:**

The United States Constitution is the supreme law of the land. Public Utilities Commission of California v. United States, (1958) 355 U.S. 534, 544-545. Under the Supremacy Clause, no law may be enacted or applied in a manner that is inconsistent with the United States Constitution. Mulkey v. Reitman, (1936) 64 Cal. 2d 529, 533. The Supremacy Clause provides as follows:

"This Constitution, and the laws of the United States which shall be made in pursuance thereof . . . shall be the supreme law of the land; *and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.*" U.S. Const. Art. VI, Sec. 2 (Emphasis added).

The Takings Clause of the Fifth Amendment to the United States Constitution prohibits the taking of private property for a public purpose, without the payment of just compensation. U. S. Const. Amend. V. Originally, the Takings Clause applied only to the actual physical occupation of land by a governmental agency. Lucas v. South Carolina Coastal Council (1992) 505 U. S. 1003, 1014. However, it has now been expanded to prohibit the taking of all types of property interests, including takings caused by the enforcement of governmental regulations that "go too far." Pennsylvania Coal Co. v. Mahon (1922) 260 U. S. 393, 415.

One of those most important rights of any property owner is the power to "exclude" others. Of course, the denial of that right requires the payment of just compensation. As stated by the United States Supreme Court in Kaiser Aetna v. United States, (1979) 444 U.S. 164:

"In this case, we hold that the 'right to exclude,' so universally held to be a fundamental element of the property right, falls within this category of interests that the Government cannot take without compensation." (Id at 179-180) (Emphasis added).

It is a virtual certainty that every mobilehome park in San Luis Obispo County will eventually be closed, for one reason or another. At that point, each parkowner will be



James B. Lindholm Jr., Esq.

February 9, 2006

Page 3

entitled to exercise his constitutional right to "exclude" others from his property. Rather than respecting that right, the County is proposing that parkowners be required to pay tenants the "in place" value of their mobilehomes, as a condition of closing of their parks.<sup>2</sup>

As you may know, mobilehomes in San Luis Obispo County are routinely sold for \$100,000, or more. Under the County's plan, a parkowner proposing to close a 100 space park in San Luis Obispo County could be required to pay \$10,000,000, or more, simply to exercise his constitutional right to exclude others. Because such a system would effectively prevent parkowners from closing their properties, it would amount to a taking, requiring the County to pay just compensation.<sup>3</sup>

## **II. PARKOWNERS HAVE A RIGHT TO GO OUT OF BUSINESS UNDER THE DUE PROCESS CLAUSE:**

In Textile Workers v. Darlington Co., (1965) 380 U.S. 263, 272, the owner of a textile mill decided to go out of business, rather than allow his company to be unionized. The union sued, claiming that the decision to go out of business was an unfair labor practice. In rejecting that claim, the United States Supreme Court held as follows:

"Although employees may be prohibited from engaging in a strike under certain circumstances, no one would consider it a violation of the Act for the same employees to quit their employment en masse, even if motivated by a desire to ruin their employer. . . . The employer's right to go out of business is no

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<sup>2</sup> As you know, the taking must also be for a "pubic purpose." Hawaii Housing Authority v. Midkiff, 467 U.S. 229, 245. ["A purely private taking could not withstand the scrutiny of the public use requirement."] Because the sole beneficiaries of the proposed conversion ordinance would be the tenants at the time of the closure, my clients also reserve the right to challenge any such ordinance on the ground that it does not advance a legitimate "public purpose."

<sup>3</sup> See also Loretto v. Teleprompter Manhattan CATV Corp., (1982) 458 U.S. 419, 439, N. 17 [A landlord's exercise of one constitutional right "may not be conditioned on his forfeiting the right to compensation for a physical occupation." See also Yee v. City of Escondido, (1992) 503 U.S. 519, 528 ["A different case would be presented were the statute, on its face or as applied, to compel a landowner over objection to rent his property or to refrain in perpetuity from terminating a tenancy."]

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February 9, 2006  
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different.”

Similarly, in Robinson v. Diamond Housing Corporation, (D.C. Cir. 1972) 463 F. 2d 853, 867, the Court found that a landlord had an absolute right to go out of business, writing as follows:

“None of this is to say that the landlord may not go out of business entirely if he wishes to do so or that the jury is authorized to inspect his motives if he chooses to commit economic harakiri. There would be severe constitutional problems with a rule of law which required an entrepreneur to remain in business against his will.”

The County’s proposed conversion ordinance not only improperly attempts to force parkowners to pay millions of dollars in order to exercise their constitutional right to “exclude others,” the cost of exercising that right would be so high that it would effectively render that right meaningless. Because the County’s proposed conversion ordinance would trample on numerous constitutional rights, the County is urged not to proceed with that plan at this time.<sup>4</sup>

### **III. ANY ATTEMPT TO REQUIRE PARKOWNERS TO PAY THE “IN PLACE” VALUE OF MOBILEHOMES IN ORDER TO GO OUT OF BUSINESS IS ALSO PRE-EMPTED BY STATE LAW:**

In Nash v. City of Santa Monica, (1984) 37 Cal. 3d 97, the California Supreme Court ruled that the owner of an apartment building did not have a right under the due process clause to evict his tenants and “tear down” his apartment building.<sup>5</sup> The California Legislature enacted the Ellis Act in direct response to the Nash decision, establishing a

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<sup>4</sup> In addition to violating the takings and the due process clauses, the County’s proposed plan would be so onerous that it may also result in involuntary servitude, in violation of the Thirteenth Amendment of the United States Constitution. See United States v. Kozminski, (1988) 487 U.S. 931, 944 [The Thirteenth Amendment prohibits “involuntary servitude enforced by the use or threatened use of force or legal coercion.”]

<sup>5</sup> The Nash Court did not consider the property owner’s right to simply “exclude” others under the Fifth Amendment, as established by the United States Supreme Court in Kaiser Aetna v. United States, (1979) 444 U.S. 164.

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statewide scheme for apartment owners to go out of business. Several years later, the Legislature enacted Civil Code Section 798.56(g), extending the right to go out of business to the owners of mobilehome parks.

Pursuant to Civil Code Section 798.56(g), parkowners may terminate a tenancy in a mobilehome park based on a "change of use" of all or any portion of the park. Pursuant to Civil Code Section 798.56(g)(2), if the change of use does not require any local government permits, parkowners must provide homeowners and residents at least 12 months notice of their determination that a change of use will occur.

Prior to the conversion of a mobilehome park to another use, closure of a park, or cessation of the use of the land as a mobilehome park, the person proposing the change in use must file a report on the impact of the conversion, closure or change of use upon the residents of the mobilehome park. The impact report must also address the availability of adequate replacement housing in mobilehome parks and relocation costs. Pursuant to Government Code Section 65863.7(e), parkowners may not be required to pay costs in excess of the "*reasonable costs of relocation*."

It is beyond dispute that a local government may not enact an ordinance that is contrary to state law. Brianwood Properties, Ltd. v. City of Los Angeles, (1985) 171 Cal. App. 3d 1020, 1030-1031; Tri-City Homeowners v. City of Mountain View, (1987) 196 Cal. App. 3d 1283, 1296. In this case, the County's proposed conversion ordinance would require parkowners to pay amounts far in excess of the "*reasonable costs of relocation*" in order to close or change the use of a mobilehome park. Because the County's proposed conversion ordinance is contrary to state law, it would be subject to challenge even if all of the parkowners' constitutional challenges were rejected. Accordingly, the parkowners again urge the County not to go forward with the proposed conversion ordinance at this time.

#### **IV. THE PARKOWNERS ARE WILLING TO PARTICIPATE IN A "TASK FORCE" TO STUDY ALTERNATIVES TO THE PROPOSED CONVERSION ORDINANCE:**

My clients maintain that the County may not force them to pay any money at all in order to exercise their right to go out of business, or to "exclude" tenants from their property. Rather than litigating that issue at this time, my clients would prefer to attempt to explore alternative strategies for dealing with park closures. Accordingly, my clients are willing to participate in the "task force" the County reportedly intends to form, to explore all alternative strategies in detail. If the County in fact intends to form such a "task force," please advise

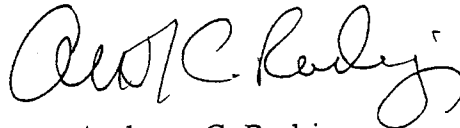
3-44

James B. Lindholm Jr., Esq.  
February 9, 2006  
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at your earliest opportunity.

Thank you for your reviewing my clients' position with respect to this issue. If you have any questions or comments, or if you would like to discuss this subject in detail, please do not hesitate to contact me at (510) 336-1536.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Anthony C. Rodriguez".

Anthony C. Rodriguez

cc: Ted Bench, County Planner  
Planning and Building Department  
County Government Center  
San Luis Obispo, California 93408  
(805) 781-5624

Clients

ANTHONY C. RODRIGUEZ  
ATTORNEY AT LAW  
1425 LEIMERT BOULEVARD  
SUITE 101  
OAKLAND, CALIFORNIA 94602 -1808

3-45

TELEPHONE (510) 336-1536  
FACSIMILE (510) 336-1537

January 13, 2006

VIA FACSIMILE AND U. S. MAIL  
(805) 781-4221

James B. Lindholm Jr., Esq.  
County Counsel, San Luis Obispo County  
County Government Center, Suite D320  
San Luis Obispo, California 93408

Re: Proposed Mobilehome Conversion Ordinance/  
Request for Public Records

Dear Mr. Lindholm:

This office represents the owners of eight mobilehome parks in the County of San Luis Obispo.<sup>1</sup> It is my understanding that the County is considering the adoption of an ordinance regulating the closure and/or conversion of mobilehome parks to other uses. It is my further understanding that the proposed ordinance would require parkowners to pay costs in excess of the "reasonable costs of relocation" set forth under Government Code Section 65863.7(e), including the "in place value" of mobilehomes that cannot be moved to another location.

As I am sure you are aware, such ordinances have resulted in litigation in other jurisdictions throughout the state of California. In an attempt to avoid a similar result in this case, my clients would like the opportunity to comment on the proposed ordinance in detail before it is presented to the Board of Supervisors for review. By this letter, you are requested to provide a copy of the proposed ordinance to this office as soon as possible, as well as any studies or other documents demonstrating the need for such an ordinance at this time. You are also requested to provide a copy of any agenda or other document indicating

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<sup>1</sup> Those parks are Santa Margarita Mobilehome Park, Grande Mobile Manor, Rancho Colina, Casa Del Rey Mobilehome Park, Hilltop Trailer Park, Ken Mar Gardens, Los Robles Mobile Estates and Baywood Trailer Park.

RECEIVED

JAN 18 2006

Planning & Bldg

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James B. Lindholdm Jr., Esq.  
January 13, 2006  
Page 2

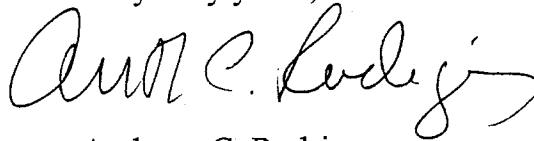
that the Board of Supervisors intends to consider any such ordinance during the next six months.

As you may know, Government Code Section 65852.3 prohibits any city or county from refusing to allow the installation of qualified mobilehomes on any lot that is "zoned for conventional single family residential dwellings." As that provision provides an alternative to relocating mobilehomes in other mobilehome parks, please also provide any map or other documents showing those portions of San Luis Obispo County that are zoned for single family residential dwellings.

This request is also made pursuant to the California Public Records Act. If advance payment is required with respect to any documents responsive to this request, please advise and I will forward a check in the appropriate amount to the County of San Luis Obispo.

Thank you for your anticipated cooperation in this regard. If you have any questions or comments, or if you would like to discuss this issue in detail, please do not hesitate to contact me at (510) 336-1536.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Anthony C. Rodriguez".

Anthony C. Rodriguez

cc: Ted Bench, County Planner  
Planning and Building Department  
County Government Center  
San Luis Obispo, California 93408  
(805) 781-5624

Clients

3-47

COMMENTS

For sale Mr. Mann  
1675 RDR #202  
Shokouf E. R. Co.  
(805) 558-5861

San Luis Obispo County is home to many people who have contributed heavily to the economy of this nation over the past 50 to 60 years.

Many of these people, having become "empty nesters", have sold their homes and purchased affordable mobile homes. They wanted to live out their days in congenial surroundings, neighboring with people of like circumstances. They knew, at some point, they would have to "pull in their horns". They wanted to remain independent and self-sufficient for as long as possible. These are respectable citizens, still contributing to the local economy from their fixed incomes and savings. They are not a drain on the Social Services of the County.

San Luis Obispo County is a wonderful place to live, but we all admit it is expensive to live here. Housing is at the top of the list, as far as costs are concerned. Developers do not cater to older people on fixed incomes, when there is so much more profit to be realized from a market of high-end houses, apartments, and condos.

What happens when a group of 125 units is removed from the affordable housing market? Really, I need to know - what happens? Where would we relocate 125 units? How long would it take to find spaces for our aging mobile homes? How much would it cost, per unit, to move them, if we could find spaces? I think this is what would happen: a few souls, not able to afford the same amount of space they are losing, would be absorbed into facilities such as Judson Terrace. Some would be forced to move in with their

1 Ted, Morgan, Dana

children, causing a great burden on the family. Very few would be able to move their units, since the existing mobile home parks in the county are at maximum capacity. Most are now living in units that are too old or not in condition to be moved, so, in addition to finding someplace to lay one's head, the mobile home must be disposed of. There is an almost endless list of expenses involved. How many single, elderly residents would be forced to move to assisted living facilities? How many senior citizens, overwhelmed emotionally and financially, would fall into debilitating depression or other health threatening conditions?

These hypothetical citizens, and all citizens of this County, should be able to count on San Luis Obispo County to protect them in case of a hostile takeover called conversion.

We need a conversion Ordinance with strong teeth, intelligible language, common sense and as few loopholes as possible. We need to be protected from loss of our space through Eminent Domain. Conversion is prompted by greed, not reason.

I believe people living in mobile home parks faced with conversion would not be concerned with making a profit. They would want security of place above all. In the case of "Senior" parks, a time frame to relocate would be very important. Most of all, we want a fair deal. I, personally, think there should be a very good reason for the owner to request a conversion – and the desire to squeeze more dollars out of a piece of land is NOT a good reason.



3-49

I have flower pots, old brooms, dishes in cupboards and in boxes. I have a pair of cats, pictures, what knots and knick-knacks. I have already down-sized as much as I can, just to fit into the limited space of my particular Home Sweet Home. MOVE? It's all I can do to drag the garbage cans out to the street each week - physically I am not in any condition to relocate.

We need affordable housing. That said, we need a conversion ordinance with enough teeth to allow displaced residents to move or relocate with a minimum of financial and emotional strain. We need provisions to ensure displaced residents be treated with respect, not as inconvenient "trailer trash".

3-50



Hupt74@aol.com  
12/01/2005 09:57 PM

To tbench@co.slo.ca.us  
cc  
bcc  
Subject Letter to Bd. of Supervisors

Below is a copy of the letter I sent to the Board over a number of signatures. I thought you might find it of interest.-Hugh Gilson

December 1, 2005

San Luis Obispo County Board of Supervisors  
County Government Center  
Suite-D430  
San Luis Obispo, Ca. 93408

Board of Supervisors:

Concerning the matter of a Mobilehome Park Conversion Ordinance currently being formulated for your approval by San Luis Obispo County Planning & Building Department. We, as residents of San Luis Obispo County and registered voters would, for the following reasons, strongly urge you, to best serve the public good and adopt an ordinance along the lines of the one now existing in Santa Barbara County, which would prohibit mobilehome park subdivisions.

The number of open mobilehome spaces available in the county are severely limited and would not be able to accept the amount of homes displaced from even one mobilehome park. Mobilehome owners and renters would be forced out of the county.

3-51

The current need in San Luis Obispo County is for low and medium priced housing. People providing services and working in production need places to live, too. Who is going to pave and clean the streets, mow the lawns, stock the shelves and check us out at the store? For that matter, who is going to maintain order and keep the peace? According to the Nov. 11<sup>th</sup>. issue of The San Luis Obispo Tribune, the median price of a home in the county is now \$602,160 and only eight percent of the population can even qualify for a loan of the size required. Few law enforcement or other legal system personnel make that kind of money. There are many more examples to support this position than are practical to list here.

A reasonably large proportion of the County's mobilehome parks are senior parks. Without an ordinance prohibiting the subdividing of mobilehome park land, these people, many of whom have fixed

incomes, health issues and other problems would be uprooted from their homes merely to satisfy the greed of already wealthy mobilehome park owners and real estate developers.

To sum up, in light of all of the above, we feel that the subdividing of mobilehome park land imposes excessive hardship on low income mobilehome owners and renters and

3-52

should be outlawed. We therefore again strongly urge you to do just that. Thank you for your kind attention to this letter.  
(Signature sheets attached to original.)

cc: Dana Lilley, Ted Bench

3-53



MaggaQ@aol.com  
11/07/2005 05:38 PM

To dilley@co.slo.ca.us  
cc tbench@co.slo.ca.us  
bcc

Subject mobile homes

History:  This message has been replied to.

I live in a rent controlled over 55 park in the south county. I am near my children and grandchildren and enjoy my independence. There is no similar housing available at this price. I am living on social security. Please consider this re your decision. Thank you,  
Barb Quinn

3-54



Dana Lilley/Planning/COSLO  
11/07/2005 08:10 AM

To Ted Bench  
cc  
bcc

Subject Fw: mobile home ordinance

For your file.

*Dana Lilley*

Housing and Economic Development  
San Luis Obispo County Planning and Building Department  
(805) 781-5715

----- Forwarded by Dana Lilley/Planning/COSLO on 11/07/2005 08:10 AM -----



Cathy Gibbons  
<bitofsilliness@sbcglobal.net>  
>

To dlilley@co.slo.ca.us  
cc

11/06/2005 07:51 PM

Subject mobile home ordinance

Dear County Planning Supervisor,

I am writing to express my support for the ordinance that would ensure that affordable housing remains accessible to all. The mobile home unit in which we live allows us to live on the Central Coast and still save for our retirement. It would be a great hardship to many owners to have the land sold out from under them and/or have rents tripled or worse.

We live in Pismo Dunes Travel Trailer Park on Hwy 1. We like walking to the pier, walking to see the Monarch butterfly migration site.

We thank you for whatever you can do to make our lives here secure.

Sincerely,

Cathy and John Gibbons  
200 So.Dolliver #95  
Pismo Beach,CA 93449

3-55

TO: Ted Bench, County Planning Dept.

FROM: Charles and Marilyn Knollenberg (Grande Mobile Manor)

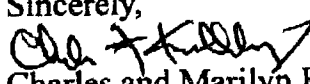

Grande Mobile Manor is a Mobilehome Park currently under the jurisdiction of the County of San Luis Obispo Mobilehome Rent Control Ordinance. The Ordinance has become extremely unfair to the few Parks who have honestly adhered to the Ordinance. The County is unable to correct the deficiencies in the Ordinance and make it fair to Parkowners because it was implemented by the voters and cannot be modified by the County. Forty percent of our spaces are currently rented for only \$159. Per Month. After paying for water and garbage for these Residents of approximately \$30 per month our net space rent is \$129. per month. These low income Residents are able to collect Approximately \$350. per year as a renters credit on property taxes paid by the Park. If this was applied to their space rent it would lower their space rent to approximately \$100 per mo.

The rent control Ordinance has unfairly limited rent increases to the point where the Park cannot afford to pay for necessary repairs and maintenance to the Park. The Park is on temporary water and if we cannot afford to pay for a permanent solution to this water problem the Park could be forced to close. The Ordinance could have the effect of destroying "Affordable Housing" instead of preserving it.

We would obviously be opposed to any County requirements that would force us to provide further "Affordable Housing" if we are unable to continue the Parks operation. If the County's Rent Control Ordinance forces this Park out of business it seems unfair to continue to force the property owner to provide continued subsidized housing.

If the County wants to provide affordable housing it should do it in a way that doesn't single out a group of business' and make them shoulder the burden for the costs.

Sincerely,

   
Charles and Marilyn Knollenberg 10/14/05

Grande Mobile Manor

655 S. Halcyon

Atroyo Grande Ca. 93420

805-489-8207 - ph & fax

